

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ALLA TRESHUK

Plaintiff,

v.

WHOLE FOODS MARKET GROUP, INC.

Defendant.

Case No. 18-5050

**JURY TRIAL DEMANDED**

**DEFENDANT'S NOTICE OF  
REMOVAL AND JURY DEMAND**

NOW COMES the defendant, Whole Foods Market Group, Inc. ("Whole Foods"), by and through its attorneys, Law Offices of Joseph D. Ryan, P.C., and pursuant to 28 U.S.C. § 1332(a), § 1441, and § 1446, states as follows for its Notice of Removal to the United States District Court for the Northern District of Illinois.

1. On June 15, 2018, the plaintiff, Alla Treshuk, filed a Complaint against the defendant, Whole Foods Market Group, Inc., in the Circuit Court of Cook County, Illinois, County Department, Law Division, Case No. 2018 L 006185.

2. In the Complaint, the plaintiff alleges she suffered injuries and damages as a result of an incident that occurred at Whole Foods' place of business in Cook County, Illinois.

3. On June 25, 2018, Whole Foods was served with the Complaint. A copy of all process, pleadings, and orders served upon the defendant is attached as Exhibit A.

4. At all times relevant to the Complaint, plaintiff was a citizen of the State of Illinois. (Exhibit A – Complaint; Exhibit C – Email with plaintiff's attorney.)



5. At all times relevant to the Complaint, Whole Foods was incorporated in the State of Delaware and was headquartered and maintains its principal place of business at 550 Bowie Street, Austin, Texas. (Exhibit B – Affidavit of Jay Warren, ¶ 4.) Therefore, at the commencement of this action, Whole Foods was and continues to be a citizen of the State of Delaware and the State of Texas pursuant 28 U.S.C. § 1332(c)(1).

6. This action, therefore, is between citizens of different states for the purposes of jurisdiction under 28 U.S.C. § 1332, and Whole Foods is not a citizen of the state in which the action has been brought and/or removed to federal court.

7. Plaintiff alleges that, among other things, she sustained a displaced fractured elbow in the accident at Whole Foods. This injury required plaintiff to undergo two surgical procedures and incur more than \$90,000 in medical expenses. (Exhibit C – Email with plaintiff’s attorney.) As a result, plaintiff alleges that she sustained “serious and permanent injuries; she became sick, sore, lame and disabled; she suffered great physical pain and mental anguish; ... she was prevented from and hindered in attending to the usual affairs, duties and occupation which she pursued heretofore; she lost great gains in profits which she would have otherwise made and enjoyed; and she reasonably believes that in the future, she will suffer further pains and anguish, will incur further expenses for medical care and attention, and will further be hindered in attending to her usual affairs, duties and occupation; all due to the aforesaid injuries.” (Exhibit A – Complaint, ¶ 7.)



8. Consequentially, because this matter involves citizens of two different states and it has an amount in controversy of more than \$75,000, this court has original jurisdiction pursuant to 28 U.S.C. § 1332(a).

9. Defendant Whole Foods also hereby demands a jury trial.

WHEREFORE, based upon the complete diversity of the parties, and the meeting and exceeding of jurisdictional limits, defendant Whole Foods Market Group, Inc., respectfully notifies the court of its removal of this action to the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1332, § 1441, and § 1446.

Respectfully submitted,

/s/ Joseph D. Ryan

Joseph D. Ryan  
One of the Attorneys for Defendant,  
Whole Foods Market Group, Inc.

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**NOTICE OF FILING**

To: Stewart C. Orzoff  
Orzoff Law Offices  
900 Skokie Blvd., Suite 250  
Northbrook, IL 60062  
[Stewart@Orzofflawoffices.com](mailto:Stewart@Orzofflawoffices.com)

Please take notice that on July 24, 2018 we filed with the Clerk of the Court the attached Defendant's Notice of Removal and Jury Demand.

/s/ Joseph D. Ryan

Joseph D. Ryan  
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1896 Sheridan Road  
Highland Park, IL 60035  
(847) 432-5971

**CERTIFICATE OF SERVICE**

I, Joseph D. Ryan, an attorney, state that I caused a copy of this notice and accompanying document(s) to be served upon the individual(s) listed above by placing copies of the documents in the United States mail on July 24, 2018, before 5:00 p.m.

/s/ Joseph D. Ryan

Joseph D. Ryan